NEW YORK CITY SCHOOL
CONSTRUCTION AUTHORITY

April 26, 2016

Ms. Judith A. Enck
Regional Administrator
United State Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

RE: Notification of Self-Implementing Onsite Cleanup and Disposal of PCB Remediation Waste
New York City School Construction Authority
Junior High School 126K, 424 Leonard Street, Brooklyn, New York 11222
LLW #: 100178; IEH Service ID #: 62054

Dear Ms. Enck:

The New York City School Construction Authority (NYCSCA) has prepared this Notification Letter in accordance with 40 CFR Part 761.61(a)(3) for the remediation of soil at Public School 126K (J.H.S. 126K) located at 424 Leonard Street, Brooklyn, New York (School District 14).

Polychlorinated Biphenyls (PCBs) have been found in soils adjacent to portions of the J.H.S. 126K school building. The likely source of the PCB content in the soils is caulk debris generated during the performance of recent exterior building modifications (i.e., window replacements and exterior renovations). NYCSCA is not planning to perform any additional exterior renovation work at J.H.S. 126K at this time that may disturb caulk/sealants.

PCB contamination in the soil was identified during recent soil investigations undertaken by Creative Environment Solutions Corp. (CES) at the direction of NYCSCA. The investigations were performed in consideration of the New York State Education Department (SED) protocol for addressing PCBs in caulking material in school buildings that were constructed or renovated between 1950 and 1977 and that are currently undergoing renovation or demolition. The activities and results of the surface soil investigations are presented in CES' *Surface Soil Investigation Report for J.H.S. 126K* dated December 2, 2015, and incorporated into this Notification Letter by reference, where necessary.

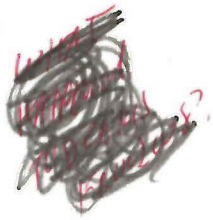
NYCSCA will coordinate all PCB renovation activities at J.H.S. 126K including activities related to the remediation of PCB-impacted soils adjacent to the subject building.

This Notification Letter provides a summary of the following information in accordance with 40 CFR Part 761.61(a), with reference to the CES *Surface Soil Investigation Report for J.H.S. 126K* where necessary:

- Background information regarding the site and source of PCB contamination;
- Soil investigation procedures and methodologies;
- Soil investigation results, location and extent of PCB-impacted areas;
- Cleanup plan, including schedule, approach, and contingency options to be used if unanticipated higher concentrations or wider distributions of PCB remediation waste are found or other obstacles force changes in the cleanup approach; and
- Written certification by NYCSCA regarding the availability of all required information for EPA inspection (included at the end of this Notification Letter).

Background

In June 2007, the SED published a protocol for addressing PCBs in caulking material in school buildings that were constructed or renovated between 1950 and 1977 and that are currently undergoing renovation or demolition. This protocol was developed in consultation with the New York State Department of Health (DOH) to address concerns about properly managing caulk containing PCBs that may be disturbed during building renovation or demolition. NYCSCA is providing to the EPA as part of this notification the results of the pre-construction survey work conducted at this school that indicates the location and concentration of PCB-containing caulk that were anticipated to be disturbed during the renovation project. The guidelines also include developing a soil sampling plan, and sampling and testing of soils that may have been impacted by the disturbance of PCB caulk during the renovation or demolition projects, if applicable.



CES performed a previous surface soil investigation in 2011 to determine if there were any PCB-impacts to surrounding soils from a prior building modification project (i.e., window replacements). On July 14, 2015, CES, at the direction of NYCSCA and in consideration of the SED protocol, visually assessed the condition of exterior caulk and soils at J.H.S. 126K. There was no visible evidence of suspect PCB-containing material observed on the exterior soils or paved areas within 25 feet of the building. On July 14, August 2 and August 28, 2015, CES performed a supplemental surface soil investigation to determine if there were any additional PCB impacts to soils caused by the recent building renovation (i.e., exterior masonry renovations) in addition to those identified during the previous 2011 surface soil investigation.

NYCSCA completed the supplemental surface soil investigation at J.H.S. 126K on August 28, 2015. The surface soil investigation was performed after the PCB caulk identified during the pre-construction survey was removed and construction activities on

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the project were complete. NYCSCA is not aware of any additional PCB caulk present that could re-contaminate the soil.

Additional details and results of CES' sampling of surface soils are presented in the *Surface Soil Investigation Report for J.H.S. 126K* dated December 2, 2015.

Soil Investigation Procedure

Surface soil investigations were performed by CES in 2011 and 2015 to identify the potential for PCB-impacted soils. A total of one hundred seventy-six (176) surface soil samples, including seventeen (17) duplicate samples, were collected at a depth of 0 to 2 inches below the vegetative layer, but including the root zone, using dedicated sampling equipment.

Surface soil samples were collected approximately every twenty (20) feet at intervals of 0.5', 3', 8', 10', 12', 14', 15', 17', 19', 21', 23', 25' and 27' from the building façade. If any sample result in the interval exceeded 1 ppm of total PCBs (i.e., the EPA standard for no further action and the New York State Department of Environmental Conservation [NYSDEC] guideline concentration for PCBs in soil), the samples in the next interval were analyzed. A total of one hundred sixty-six (166), including seventeen (17) duplicate samples, of the one hundred seventy-six (176) soil samples collected were analyzed for total PCBs.

Soil Investigation Results

The results of the 2011 and 2015 surface soil investigations indicated the presence of PCBs in surface soils at concentrations above the EPA standard of 1 part per million (ppm) along the western, southern, northern and eastern sides of the school building. PCB concentrations in surface soils exceeding 1 ppm extended to a maximum distance of approximately twenty-seven (27) feet along the eastern side of the school building. Surface soils with PCBs $\geq$ 50 ppm extended to approximately three (3) feet along western, southern and northern sides of the school building.

Cleanup Plan

NYCSCA proposes excavating and removal of soil in areas where PCBs with $\geq$ 1 ppm were identified during the surface soil investigations. The initial excavation will extend out from the building façade to the proposed limits shown on Figure 2 of the *Surface Soil Investigation Report for J.H.S. 126K* to a minimum depth of two (2) feet. Post-excavation samples will be collected at the base and along the centerline of the excavation every twenty (20) feet and along the side wall every twenty (20) feet, at a depth of 0 to 2 inches below the vegetative layer, but including the root zone.

When the laboratory analytical results of post-excavation soil samples shows PCB concentrations < 1 ppm, then no further excavation will be required. If a base post-excavation sample result equals or exceeds 1 ppm PCBs, the excavation will be expanded

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down another one foot, unless further excavation is prevented by a subsurface structure (e.g. foundation). If a side wall post-excavation sample result equals or exceeds 1 ppm PCBs, the excavation will be expanded laterally an additional one foot.

This excavation procedure will generally continue until all post-excavation samples are < 1 ppm of total PCBs, so that no future restrictions on the site will be required. Material which meets the EPA clean backfill standard (40 CFR 761.125 (c)(4)(v) and 40 CFR 761.125 (b)(1)(ii)) will be used to backfill the excavated areas. If site conditions do not allow the excavation of all soils identified with PCB concentrations ≥ 1 ppm (but less than 10 ppm), NYCSCA proposes a contingency consisting of: excavating impacted areas to a depth of two (2) feet or more; backfilling and properly compacting with low permeability material meeting the requirements of 40 CFR 761.61(a)(7); topping off any remaining depth of the excavation with environmentally clean fill material, including topsoil; and re-vegetating the surface of the backfilled area.

Any area where PCBs with ≥ 1 ppm in soil remain after excavation and backfilling will be included in a deed restriction in accordance with 40 CFR 761.61(a)(8) and applicable state and local regulations.

A proposed excavation plan showing the approximate excavation limits is included in Figure 2 of CES' *Surface Soil Investigation Report for J.H.S. 126K*. These excavation limits may be amended based on the results of the post-excavation sampling that will be performed.

In summary, based on a review of the sample results to date and the post-excavation samples that will be collected, the plan will be to either:

- Excavate the PCB-impacted area to a minimum depth of two (2) feet below ground surface (bgs) until the analytical results of the final post-excavation samples indicate PCB concentration are < 1ppm and then to backfill the excavated area with environmentally clean fill material, or;

- Excavate the PCB-impacted area to a minimum depth of two (2) feet bgs and until the PCB concentrations are below 10 ppm and then backfill the excavation with low permeability material meeting the requirements of 40 CFR 761.61(a)(7) and obtain deed restriction if PCB-impacted soil (greater than 1 ppm) remain in place.

If an area is excavated to a depth where no further excavation can be done and PCB concentrations are greater than 10 ppm in post excavation samples, EPA will be contacted to discuss alternate courses of action.

Where PCBs greater than 1 ppm extend, in certain locations, to areas where the soil is adjacent to non-soil areas such as a concrete sidewalk, NYCSCA will excavate two (2) feet bgs up to the edge of the sidewalk. End-point post-excavation sidewall samples will be collected in the exposed soil interface below the sidewalk concrete and subsurface gravel layers. If any end-point post-excavation sidewall samples exceed 1 ppm PCBs,

NYCSCA will excavate the impacted exposed soil as long as the structural integrity of the sidewalk or other structure is not jeopardized. Site restoration will include backfilling the excavation with soil and any new gravel needed to replace what may be inadvertently removed from under the sidewalk during the excavation. The excavated soil and gravel will be disposed of as a PCB Remediation Waste.

During remediation activities, the excavated material will be loaded directly into trucks or roll-off containers for transport to a disposal facility. In addition, temporary sheeting and shoring will be used, as necessary, to protect utilities and adjacent structures where they are encountered.

Health and safety measures will be implemented during the proposed remediation to protect the public, onsite workers, and the environment in accordance with applicable federal, state, and local requirements. The health and safety measures will include, but will not be limited to, the installation of security fence to restrict access to the work area, community air monitoring, dust suppression, traffic control, and use of appropriate personal protective equipment. Any remedial equipment will be decontaminated in accordance with the requirements of 40 CFR 761.79 (e.g. double wash/rinse). Barrier plastics or equipment that are exposed to PCB-impacted soils and not decontaminated will be disposed of as PCB Remediation Waste.

Soil Disposal

The excavated soil with PCB concentrations < 50 ppm will be disposed as a PCB Remediation Waste at a licensed municipal solid waste disposal facility or at a TSCA-permitted facility, in accordance, with 40 CFR 761.61(a)(5)(i)(B)(2)(ii) and (a)(5)(v)(A).

Excavated soil with a concentration ≥ 50 ppm PCBs will be disposed as a New York State Hazardous Waste and a PCB Remediation Waste in a RCRA hazardous waste or TSCA-permitted landfill in accordance with the requirements of 40 CFR 761.61(a)(5)(i)(B)(2)(iii).

Schedule

The proposed cleanup activities are anticipated to require 6 weeks from Contractor mobilization to site restoration. All cleanup activities are expected to be completed during the summer of 2016.

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Written Certification

We hereby certify that all sampling plans, sample collection procedures, sample preparation procedures, extraction procedures, and instrumental/chemical analysis procedures used to assess or characterize the PCB contamination at the cleanup site, are on file at the New York City School Construction Authority offices (located at 30-30 Thompson Avenue, 2nd Floor, Long Island City, NY 11101), and are available for EPA inspection. We do not anticipate using alternate methods for chemical extraction and chemical analysis.

Alexander Lempert
Sr. Director, IEH Division

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Your attention to this time-critical matter is greatly appreciated. Should you have any questions or require additional information, please do not hesitate to contact me at 718-472-8501.

Alexander Lempert
Sr. Director, IEH Division

cc: John Gorman (US EPA)
Hassan Hussein (NYS DEC)
Chris D'Andrea (NYC DOHMH)
Maurice Winter (NYCDEP)
John O'Connell (NYCSCA)
IEH File

Enclosure

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Haklar, James

From: LEMPERT, ALEX <ALEMPERT@nycsca.org>
Sent: Monday, June 20, 2016 1:18 PM
To: Haklar, James
Cc: BROWN, TRENTON A.; O'CONNELL JR, JOHN
Subject: K126 Excavation Plan
Attachments: Analytical Report - Additional Sampling at K126 (6-20-16).pdf

Jim,

We just received the laboratory analytical results that EPA requested for the two (2) additional surface soil samples collected in Row H. Both samples results are non-detect for PCBs.

As discussed below, SCA will continue with their original excavation Plan by excavating to Row G followed by collecting post-excavation sidewall samples to determine if additional lateral excavation beyond Row G is required.

Alex.

From: Haklar, James [mailto:Haklar.James@epa.gov]
Sent: Wednesday, June 15, 2016 2:24 PM
To: LEMPERT, ALEX
Cc: KAPLAN, JOSHUA; BROWN, TRENTON A.; O'CONNELL JR, JOHN
Subject: RE: K126 Excavation Plan

Thank you Alex. I have no further questions or comments regarding this cleanup.

Jim

From: LEMPERT, ALEX [mailto:ALEMPERT@nycsca.org]
Sent: Wednesday, June 15, 2016 11:54 AM
To: Haklar, James <Haklar.James@epa.gov>
Cc: KAPLAN, JOSHUA <JKAPLAN@nycsca.org>; BROWN, TRENTON A. <TBROWN2@nycsca.org>; O'CONNELL JR, JOHN <JOCONNELLJR@nycsca.org>
Subject: K126 Excavation Plan

Jim,

As a follow-up to our discussion this morning in regards to the excavation plan for J.H.S. 126K, SCA will collect two (2) additional surface samples in Row H and submit for PCBs analysis. As requested, one of the samples will be collected between columns 34-35 and the other between columns 35-36. SCA will provide the analytical results to EPA once they become available from laboratory. In the event the analytical results of any of the samples comes back > 1 ppm in Row H, SCA will discuss with EPA a further plan of action.

In the meantime, SCA will continue with their original excavation Plan by excavating to Row G followed by collecting post-excavation sidewall samples to determine if additional lateral excavation beyond Row G becomes necessary.

Thx.
Alex

From: Haklar, James [mailto:Haklar.James@epa.gov]
Sent: Monday, June 13, 2016 3:11 PM
To: LEMPERT, ALEX
Cc: KAPLAN, JOSHUA
Subject: RE: The remaining four soil cleanup plans.

Great! I'll call your office.

From: LEMPERT, ALEX [mailto:ALEMPERT@nycsca.org]
Sent: Monday, June 13, 2016 3:11 PM
To: Haklar, James <Haklar.James@epa.gov>
Cc: KAPLAN, JOSHUA <JKAPLAN@nycsca.org>
Subject: RE: The remaining four soil cleanup plans.

10 AM?

From: Haklar, James [mailto:Haklar.James@epa.gov]
Sent: Monday, June 13, 2016 2:56 PM
To: LEMPERT, ALEX
Subject: RE: The remaining four soil cleanup plans.

Thanks. What time do you want me to call you?

From: LEMPERT, ALEX [mailto:ALEMPERT@nycsca.org]
Sent: Monday, June 13, 2016 2:25 PM
To: Haklar, James <Haklar.James@epa.gov>
Subject: RE: The remaining four soil cleanup plans.

Ok, let's do that on Wed. AM.

From: Haklar, James [mailto:Haklar.James@epa.gov]
Sent: Monday, June 13, 2016 1:27 PM
To: LEMPERT, ALEX
Subject: RE: The remaining four soil cleanup plans.

Alex,

Would have a few minutes, maybe tomorrow or Wednesday, that we can talk about this? It shouldn't take longer than about 10 minutes. I understand you were out last week (and are probably catching up) so I'll work around your schedule.

Thanks,

Jim

From: LEMPERT, ALEX [mailto:ALEMPERT@nycsca.org]
Sent: Monday, June 13, 2016 9:00 AM
To: Haklar, James <Haklar.James@epa.gov>
Cc: O'CONNELL JR, JOHN <JOCONNELLJR@nycsca.org>
Subject: RE: The remaining four soil cleanup plans.

Jim,

As shown in our investigation, the analytical results of the five (5) surface soil samples collected in Row G (i.e., locations S7-32G through S7-36G) were all < 1 ppm.

Following SCA's remediation protocol, we would normally excavate soils to the Row G line and then collect five post-excavation sidewall samples at the edge of the excavation (i.e., along Row G) to verify the > 1 ppm soils were removed. If any of these five sidewall post-ex samples come back ≥ 1 ppm we would expand the excavation in the lateral direction another foot beyond Row G and collect five additional post-ex sidewall samples at the new excavation edge to determine if we have reached the < 1 ppm endpoint. This procedure will continue until all sidewall post-ex samples are < 1 ppm PCBs or other approach, as appropriate, will be discussed with you in the event SCA does not achieve the < 1 ppm cleanup level.

We feel the above procedure would adequately address EPA's concerns to ensure the PCB-impacted soils were removed from the site.

Thx.
Alex.

From: Haklar, James [mailto:Haklar.James@epa.gov]
Sent: Friday, June 10, 2016 11:08 AM
To: LEMPERT, ALEX
Cc: O'CONNELL JR, JOHN
Subject: RE: The remaining four soil cleanup plans.

Thanks Alex. For 126K I think I understand what happened. It seems that samples from locations S7-33F through S7-36F were analyzed by York in 2011 and Phoenix in 2015, and the Phoenix sample results were higher than the York samples. However, I am still concerned that there are some samples on that side of the building where the results drop below 1 ppm as you move away from the building but then rise again. Can you just excavate the S7-36, S7-35, and S7-34 lines to the H row (instead of the G row). That way you'll have two rows beyond the farthest > 1 ppm samples that (hopefully) will be clean. Given how much soil you're excavating from this school the additional amount that I'm recommending doesn't seem to be a significant increase in the total volume. Just let me know if you're O.K. with that; if you are I'll prepare the approval.

Jim

From: LEMPERT, ALEX [mailto:ALEMPERT@nycsca.org]
Sent: Friday, June 10, 2016 9:02 AM
To: Haklar, James <Haklar.James@epa.gov>
Cc: O'CONNELL JR, JOHN <JOCONNELLJR@nycsca.org>
Subject: FW: The remaining four soil cleanup plans.

Jim,

Please see below our responses to your comments.

Thanks,

Alex

-------- Original message --------
From: "Haklar, James" <Haklar.James@epa.gov>
Date: 6/6/16 10:32 AM (GMT-05:00)
To: "LEMPERT, ALEX" <ALEMPERT@nycsca.org>
Subject: The remaining four soil cleanup plans.

Hi Alex,

I've reviewed the four soil cleanup plans that you sent on April 26th. Two of them (1K and 68Q) are fine and I have no comments. For the other two (327K and 126K) I have the following comments.

327K: The notification letter explains that excavated soil containing ≥ 50 ppm PCB **should** be disposed as a New York State Hazardous Waste and a PCB Remediation Waste at a RCRA hazardous waste or a TSCA-permitted landfill facility. Please confirm that soils containing PCBs at or above 50 ppm **will** be disposed at these facilities.

SCA Response #1: ***We will dispose of soils containing ≥ 50 ppm PCBs at a TSCA-permitted landfill facility, in accordance with 40 CFR 761.61(a)(5)(i)(B)(2)(iii).***

126K: The PCB survey report dated June 18, 2009 identified caulking debris throughout the perimeter of the school. When and how was this material disposed of?

There is an inconsistency in the information presented on Figures 1B and 1C for the triangular area on the eastern side of the building. Figure 1B shows samples S7-36F, S7-35F, S7-34F, and S7-33F all above 1 ppm, yet Figure 1C identifies these samples as being less than 1 ppm. Please verify which figure presents the correct information. Please note that if Figure 1B is correct then I will have some follow-up recommendations regarding sidewall sampling.

SCA Response #2: ***Caulking debris associated with the PCB survey dated June 18, 2009 was disposed on October 16, 2009 in a TSCA-permitted landfill (i.e., CWM Chemical Services, LLC., Model City, NY).***

Regarding the information presented in Figure 1B vs. Figure 1C; the analytical results of the samples S7-36F, S7-35F and S7-34F located along Row F are shown correctly as > 1 ppm in Figure 1B. The concentration of sample locations S7-36F, S7-35F and S7-34F are also shown correctly (i.e., > 1 ppm) in Figure 2, The Proposed Excavation Plan (attached). If EPA agrees, SCA will remove soils in this area to a depth of 2' below grade and up to the Row G sample line (approximately 17' from the building wall), as is our standard practice. After removal of the above soils, SCA will collect sidewall post-excavation samples as discussed in our Notification Letter dated April 26, 2016. If a side wall post-excavation sample result equals or exceeds 1

ppm PCBs, the excavation will be expanded laterally beyond Row G an additional one foot. This procedure will continue until all sidewall post-ex samples are < 1 ppm PCBs.

That's it. I'd like to get these approvals done soon so please let me know if you have any questions.

Thanks,

Jim